

## SUMMARY SHEET

### I. Description of Item

An Ordinance to amend the Shelby County Code of Ordinances, Chapter 2, Article II, Section 2-57, authorizing the County's purchase, sell, or exchange of materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local governmental entity, to enable the County to transfer any right, title or interest in real and/or personal property by donation to a federal, Tennessee state, or local government entity for any public purpose found by Shelby County Government to be directly or indirectly beneficial to the citizens of Shelby County, including, but not limited to, public infrastructure improvements.

The last amendment to Section 2-57(b)(10)(b) of the Shelby County Code of Ordinances was approved by Ordinance No. 325, adopted by the Shelby County Board of Commissioners on April 9, 2007, in an effort to defray the costs to local governmental entities providing educational services throughout Shelby County, which authorized the transfer of such property to a local governmental entity by donation for educational purposes, provided, however, that such governmental entity is in compliance, or becomes compliant prior to acceptance of any such donation, with all antidiscrimination laws, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964. The need for this 2007 amendment was necessary to allow the County to donate real and/or personal property, such as the Kate Bond park property, for use in expanding its public school facilities.

The Ordinance now before you to amend Section 2-57(b)(10)(b) of the Shelby County Code of Ordinances is necessary because from time to time, the County is also called upon to donate certain rights, title or interest in real and/or personal property to a federal, Tennessee state, or local government or office for a public purpose, that may not necessarily be for education, that would directly or indirectly benefit the citizens of Shelby County including, but not limited to, the use of such property rights, title or interest for public infrastructure improvements such as roadways, waterways, public service facilities, recreational facilities, conservation areas, flood control areas, wetland mitigation areas, environmental remediation, sanitary sewer facilities, storm water facilities, utility facilities, communications facilities, and pipelines; or as a match towards federal or state grants for such public infrastructure improvements.

### II. Source and Amount of Funding

- A. Amount Expended/Budget Line Item  
NONE
- B. All Costs (Direct/Indirect)  
NONE
- C. Additional or Subsequent Obligations or Expenses of Shelby County  
NONE

### III. Contract Items

NONE

IV. Additional Information Relevant to Approval of the Item

The real property donation request now before the County that is making this Ordinance amendment necessary is as follows:

The Wolf River Conservancy has tendered a request to the Chickasaw Basin Authority asking that two real properties owned jointly by the City of Memphis and County of Shelby, for the use and benefit of the Chickasaw Basin Authority, be transferred by donation to the Tennessee Wildlife Resources Agency.

The subject two real properties consist of two large unimproved wetland tracts of land, totaling 372.63 acres, located along the Wolf River in Fayette County. These two tracts of land were purchased in 2002 at a total cost of \$ 296,004.77, which was funded by revenues generated from the sale of surplus CBA real property in 2000, located north of Holmes Rd., west of Bledsoe Rd., which property was purchased by CBA in 1974 with funds from the State of Tennessee (See revenue use stipulations in the State's Quit Claim Deed and County Resolution on 2000 surplus property sale contained in the attached file – "Funding source for purchases.2000). Title to these two tracts of land was taken in the name of CITY OF MEMPHIS AND COUNTY OF SHELBY, FOR THE USE AND BENEFIT OF THE CHICKASAW BASIN AUTHORITY.

At the request of the Wolf River Conservancy, in February, 2006, the Chickasaw Basin Authority approved a motion during its meeting on 02/14/06 to donate these two large tracts of land to TWRA as a match for a grant through the U.S. Fish and Wildlife Service's North American Waterfowl Conservation Act fund (NAWCA) contingent upon Wolf River Conservancy receiving the grant. Subsequently, the Chickasaw Basin Authority executed the NAWCA Partner Contribution Form in July, 2006. Since then, the Wolf River Conservancy has won the grant and TWRA is ready to take title of the two tracts of land.

The Wolf River Conservancy worked with TWRA on this \$1,000,000 grant through the U.S. Fish and Wildlife Service's North American Waterfowl conservation Act fund (NAWCA). TWRA pledged another \$1,000,000 in cash as a match towards land acquisition. The purpose of the grant is to purchase wetland and bottomland forest acres along the Wolf to extend the Corps of Engineers Project's protected river corridor towards Rossville and Moscow. TWRA owns 1,000 acres immediately upstream of the Corps project; this grant intends to link them into one continuous, protected corridor. The purchase of additional land enabled by the grant will result in expanded protection by providing a buffer from the effects of illegal dumping adjacent to the river and reduce harmful pollutants entering the Wolf River that ultimately flows into Shelby County.

The donation of these two tracts of CBA land was approved by the Tennessee State Building Commission Executive Sub-committee on the Consent Agenda under Item Nos. D & E during its meeting on 2/25/08.

The transfer of these two tracts of land is subject to final approval by the City of Memphis and County of Shelby via. Resolutions to be approved by the Memphis City Council and the Shelby County Commission. At this point, without this proposed Ordinance amendment, there does not exist enabling authority for the County to make this real property donation to TWRA.